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Applicant or Patentee: BANKIEWICZ et al.

Serial or Patent No.: 09/320,171

Filed or Issued: May 26, 1999

Title: CONVECTION-ENHANCED DELIVERY OF AAV VECTORS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION

I hereby declare that I am official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

ADDRESS OF NONPROFIT ORGANIZATION: 1111 Franklin Street, 12th Floor, Oakland, CA 94607-5200

TYPE OF NONPROFIT ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC 501(a) and 501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF U.S.A.
(Name of State: _____)
(Citation of Statute: _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE
26 USC 501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE
OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN U.S.A.
(Name of State: _____)
(Citation of Statute: _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled: CONVECTION-ENHANCED DELIVERY OF AAV VECTORS described in:

- ☐ the specification filed herewith.
☒ application serial no. 09/320,171 filed May 26, 1999.
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: Avigen, Inc.

ADDRESS: 1201 Harbor Bay Parkway, #1000, Alameda, CA 94502

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE

David J. Aston

DATE: *7-20-89*

NAME OF PERSON SIGNING:

David J. Aston

TITLE IN ORGANIZATION OF PERSON SIGNING:

Patent Counsel

ADDRESS OF PERSON SIGNING:

1 Cyclotron Road

Berkeley CA 94720

Patent Department
Lawrence Berkeley Laboratory
One Cyclotron Road
MS 90 1121
Berkeley, CA 94720



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Serial or Patent No.: 09/320,171

Filed or Issued: May 26, 1999

Title: CONVECTION-ENHANCED DELIVERY OF AAV VECTORS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Avigen, Inc.
ADDRESS OF CONCERN: 1201 Harbor Bay Parkway, #1000
Alameda, CA 94502

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled CONVECTION-ENHANCED DELIVERY OF AAV VECTORS by inventor(s) Krysz Bankiewicz, Janet Cunningham and Jamie L. Eberling described in:

- ☐ the specification filed herewith.
☒ application serial no. 09/320,171 filed May 26, 1999
☐ patent no. , issued .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or by a nonprofit organization under 37 CFR 1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

ADDRESS: 1111 Franklin Street, 12th Floor, Oakland, CA 94607-5200

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION


NAME:

ADDRESS:

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE  DATE: Aug 9, 1999
NAME OF PERSON SIGNING: Kenneth Chahine
TITLE IN ORGANIZATION OF PERSON SIGNING: Vice President, Business Development
ADDRESS OF PERSON SIGNING: 1201 Harbor Bay Parkway, #1000, Alameda, CA 94502